

Wednesday, May 14, 1997

Daily Digest

HIGHLIGHTS

Senate passed Individuals with Disabilities Education Act.

Senate Ratified the CFE Flank Document Agreement.

The House passed H.R. 2, the Housing Opportunity and Responsibility Act of 1997

Senate

Chamber Action

Routine Proceedings, pages S4401-S4505

Measures Introduced: Seven bills were introduced, as follows: S. 738-744. Page S4479

Measures Passed:

Individuals with Disabilities Education Act: By 98 yeas to 1 nay (Vote No. 66), Senate passed H.R. 5, to amend the Individuals with Disabilities Education Act, clearing the measure for the President.

Pages S4406-13

Prior to this action, Senate completed consideration of S. 717, Senate companion measure, after taking action on amendments proposed thereto, as follows:

Pages S4401-09

Rejected:

Gorton Amendment No. 243, to permit State and local educational agencies to establish uniform disciplinary policies. (By 51 yeas to 48 nays (Vote No. 64), Senate tabled the amendment.) Pages S4402-04

Smith Amendment No. 245, to require a court in making an award under the Individuals with Disabilities Education Act to take into consideration the impact the granting of the award would have on the education of all children of State educational agencies and local educational agencies. (By 68 yeas to 31 nays (Vote No. 65), Senate tabled the amendment.)

Pages S4404-05

Withdrawn:

Gregg Amendment No. 241, to modify the provision relating to the authorization of appropriations for special education and related services to authorize specific amounts or appropriations. Pages S4401-02

Subsequently, S. 717 was returned to the Senate calendar. Page S4413

Use of Capitol Grounds: Senate agreed to H. Con. Res. 66, authorizing the use of the Capitol

grounds for the sixteenth annual National Peace Officers' Memorial Service. Page S4418

Immigration and Nationality Technical Corrections: Senate passed S. 670, to amend the Immigration and Nationality Technical Corrections Act of 1994 to eliminate the special transition rule for issuance of a certificate of citizenship for certain children born outside the United States. Page S4505

Partial-Birth Abortion Ban: Senate began consideration of H.R. 1122, to amend title 18, United States Code, to ban partial-birth abortions. Pages S4431-51

A unanimous-consent agreement was reached providing for further consideration of the bill and certain amendments to be proposed thereto, on Thursday, May 15, 1997. Page S4451

Resolution of Ratification/Flank Document Agreement-CFE Treaty: The following treaty having passed through its various parliamentary stages up to and including presentation of resolution of ratification, by a unanimous vote of 100 yeas (Vote No. 67), two-thirds of the Senators present having voted in the affirmative, the resolution of ratification was agreed to with respect to the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990, adopted at Vienna on May 31, 1996 (the "Flank Document") (Treaty Doc. 105-5), with 14 conditions. The Flank Document is Annex A of the Final Document of the first CFE Review Conference.

Pages S4451-78

During consideration of this treaty today, Senate also took the following action:

Adopted Kerry Amendment No. 279 (to condition No. 5), to require a compliance report on Armenia and other States Parties in the Caucasus region. Page S4459

Messages From the House:

Page S4479

Measures Referred:	Page S4479
Statements on Introduced Bills:	Pages S4479–89
Additional Cosponsors:	Pages S4489–90
Amendments Submitted:	Pages S4491–96
Notices of Hearings:	Pages S4496–97
Authority for Committees:	Page S4497
Additional Statements:	Pages S4497–S4505
Record Votes: Four record votes were taken today. (Total—67)	Pages S4404–05, S4411, S4475–76

Adjournment: Senate convened at 9:15 a.m., and adjourned at 7:18 p.m., until 9:15 a.m., on Thursday, May 15, 1997. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S4505.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—OFFICE OF DRUG CONTROL POLICY

Committee on Appropriations: Subcommittee on Treasury, Postal Services, and General Government held hearings on proposed budget estimates for fiscal year 1998 for the Office of National Drug Control Policy, receiving testimony from Barry R. McCaffrey, Director, Office of National Drug Control Policy.

Subcommittee recessed subject to call.

COMMERCE MANAGEMENT REFORM

Committee on Commerce, Science, and Transportation: Committee concluded hearings to examine certain management and program areas in need of reform to improve efficiency and effectiveness at the Department of Commerce, after receiving testimony from Frank DeGeorge, Inspector General, and Raymond G. Kammer, Jr., Acting Chief Financial Officer and Assistant Secretary for Administration, both of the Department of Commerce; and L. Nye Stevens, Director, Federal Management and Workforce Issues, General Government Division, General Accounting Office.

DOLPHIN CONSERVATION

Committee on Commerce, Science, and Transportation: Subcommittee on Oceans and Fisheries held hearings on S. 39, to implement the Declaration of Panama, an agreement signed by the United States and certain other nations on October 4, 1995, to protect dolphins, tunas, and other species involved in the eastern tropical Pacific tuna fishery, receiving testimony from Senators Boxer and Biden; Eileen B. Claussen, Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs; D.

James Baker, Under Secretary of Commerce for Oceans and Atmosphere; James Joseph, Inter-American Tropical Tuna Commission, La Jolla, California; and Suzanne Iudicello, Center for Marine Conservation, and Jeffrey R. Pike, Dolphin Safe/Fair Trade Campaign, both of Washington, D.C.

Hearings were recessed subject to call.

BUSINESS MEETING

Committee on Energy and Natural Resources: Committee ordered favorably reported the following business items:

The nomination of Elizabeth Anne Moler, of Virginia, to be Deputy Secretary of Energy;

S. 430, to protect the permanent trust funds of the State of New Mexico from erosion due to inflation and modify the basis on which distributions are made from those funds; and

H.J. Res. 32, to consent to certain amendments enacted by the Legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920.

CAMPAIGN FINANCE REFORM

Committee on Rules and Administration: Committee held hearings to examine the campaign finance system for Presidential elections, focusing on the growth of soft money and other effects on political parties and candidates, receiving testimony from former Senator McCarthy; Lamar Alexander Jr., former Secretary of Education; Larry J. Sabato, University of Virginia, Charlottesville; and Bradley A. Smith, Capital University Law School, Columbus, Ohio, on behalf of the Cato Institute.

Hearings were recessed subject to call.

SBA FINANCE PROGRAMS

Committee on Small Business: Committee resumed oversight hearings on the management of Small Business Administration finance programs, focusing on the 504 Development Company Loan Program and the Small Business Investment Company program, receiving testimony from Aida Alvarez, Administrator, Small Business Administration; Deryl K. Schuster, Business Loan Center, Wichita, Kansas, and Anthony R. Wilkinson, Stillwater, Oklahoma, both on behalf of the National Association of Government Guaranteed Lenders, Inc.

NOMINATION

Select Committee on Intelligence: Committee resumed closed hearings on the nomination of George John Tenet, of Maryland, to be Director of Central Intelligence, where the nominee further testified and answered questions in his own behalf.

Hearings were recessed subject to call.

INTELLIGENCE

Committee will meet again tomorrow.

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

House of Representatives

Chamber Action

Bills Introduced: 17 public bills, H.R. 1590–1616; 1 private bill, H.R. 1618; and 2 resolutions, H. Con. Res. 79 and H. Res. 148, were introduced.

Pages H2678–80

Reports Filed: One report was filed as follows:

H. Res. 149, providing for consideration of H.R. 1469, making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997 (H. Rept. 105–97).

Page H2678

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Stearns to act as Speaker pro tempore for today.

Page H2595

Emergency Supplemental Appropriations: By a yea-and-nay vote of 193 yeas to 229 nays, Roll No. 125, the House failed to agree to H. Res. 128, the rule to provide for consideration of H.R. 1469, Emergency Supplemental Appropriations Act for FY 1997.

Pages H2600–09

Committee Election: The House agreed to H. Res. 148 electing Representative Hinojosa to the Committee on Small Business and Representative Rodriguez to the Committee on Veterans' Affairs.

Pages H2609–10

Housing Authority and Responsibility Act: By a recorded vote of 293 yeas to 132 noes, Roll No. 127, the House passed H.R. 2, to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs. The House completed debate on Wednesday, April 30 and considered amendments to the bill on May 1, May 6, May 7, May 8, and May 12.

Pages H2619–47

Rejected the Kennedy of Massachusetts motion to recommit H.R. 2 to the Committee on Banking and Financial Services with instructions to reconsider the bill for the purposes of improving the income targeting provisions of the bill by reserving more

housing assistance for very low-income families of various incomes and eliminating provisions in the bill creating unnecessary bureaucracies.

Pages H2645–47

Agreed to the Committee Amendment in the nature of a substitute as amended.

Page H2645

Rejected the Kennedy amendment in the nature of a substitute that sought to combine public housing programs into two grant programs; requires annual management plans from housing authorities; increases the HUD authority to take action against troubled housing authorities; targets housing assistance with 40 percent of units for families with incomes less than 30 percent of median income and 90 percent of units for families with incomes less than 60 percent of median income; targets 75 percent of tenant-based rental assistance to families with incomes less than 30 percent of median income; establishes minimum rents of between zero and 25 dollars; and requires housing authorities to encourage tenants to volunteer in their community (rejected by a recorded vote of 163 yeas to 261 noes, Roll No. 126).

Pages H2619–45

The Clerk was authorized to correct section numbers, cross references, and punctuation, and to make such stylistic, clerical, technical, conforming, and other changes as may be necessary to reflect the actions of the House in amending the bill.

Page H2647

On April 30, the House agreed to H. Res. 133, the rule that provided for consideration of the bill.

Pages H2035–38

Amendments: Amendments ordered printed pursuant to the rule appear on page H2681.

Senate Messages: Message received from the Senate today appears on page H2614.

Quorum Calls—Votes: One yea-and-nay vote and two recorded votes developed during the proceedings of the House today and appear on pages H2609, H2644–45, and H2646–47. There were no quorum calls.

Adjournment: Met at 10:00 a.m. and adjourned at 7:55 p.m.

Committee Meetings

USDA—INFORMATION TECHNOLOGY PROCUREMENT PRACTICES

Committee on Agriculture: Subcommittee on Department Operations, Nutrition, and Foreign Agriculture held a hearing to review the information technology procurement practices of the USDA. Testimony was heard from Anne Thomson Reed, Chief Information Officer, USDA; and Joel Willemssen, Director, Information Resources Management Issues, GAO.

LABOR-HHS-EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education continued appropriation hearings. Testimony was heard from Alexis M. Herman, Secretary of Labor.

FINANCIAL MODERNIZATION

Committee on Banking and Financial Services: Continued hearings on Financial Modernization, including H.R. 10, Financial Services Competitiveness Act of 1997. Testimony was heard from public witnesses.

Hearings continue May 21.

FINANCIAL SERVICES REFORM

Committee on Commerce: Subcommittee on Finance and Hazardous Materials held a hearing on Financial Services Reform, focusing on Consolidation in the Brokerage Industry. Testimony was heard from public witnesses.

SAVINGS ARE VITAL TO EVERYONE'S RETIREMENT ACT

Committee on Education and the Workforce: Ordered reported amended H.R. 1377, Savings Are Vital to Everyone's Retirement Act of 1997.

FIGHT AGAINST ILLEGAL DRUGS— NATIONAL GUARD SUPPORT

Committee on Government Reform and Oversight: Subcommittee on National Security, International Affairs, and Criminal Justice held a hearing on National Guard Support in the Fight Against Illegal Drugs. Testimony was heard from Brad Owen, Lt. Governor, State of Washington; Michael Bowers, Attorney General, State of Georgia; and public witnesses.

MISCELLANEOUS MEASURE; ISSUANCE OF SUBPOENAS; COMMITTEE BUSINESS

Committee on House Oversight: Ordered reported S. Con. Res. 26, to permit the use of the rotunda of the Capitol for a congressional ceremony honoring Mother Teresa.

Committee adopted a motion to authorize issuance of two subpoenas to the Immigration and Naturalization Service in connection with the Contested Election in the Forty-sixth District of California.

The Committee also considered other pending committee business.

CARIBBEAN: AN OVERVIEW

Committee on International Relations: Subcommittee on the Western Hemisphere held a hearing on the Caribbean: An Overview. Testimony was heard from the following officials of the Department of State: John Hamilton, Deputy Assistant Secretary, Central America and the Caribbean; and Joseph Sullivan, Special Coordinator for Haiti; and public witnesses.

SECURITY AND FREEDOM THROUGH ENCRYPTION ACT; CONSTITUTIONAL AMENDMENT—PROHIBITING FLAG DESECRATION

Committee on the Judiciary: Ordered reported the following measures: H.R. 695, amended, Security and Freedom Through Encryption (SAFE) Act; and H.J. Res. 54, proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

APPREHENSION OF TAINTED MONEY ACT

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held a hearing on H.R. 1494, Apprehension of Tainted Money Act of 1997. Testimony was heard from, Robert S. Litt, Deputy Assistant Attorney General, Criminal Division, Department of Justice; Lawrence M. Noble, General Counsel, FEC; and public witnesses.

JUDICIAL REFORM ACT

Committee on the Judiciary: Subcommittee on Courts and Intellectual Property held a hearing on H.R. 1252, Judicial Reform Act of 1997. Testimony was heard from Representatives Hyde, Bryant and Manzullo; Henry A. Politz, Chief Judge, U.S. Court of Appeals, Fifth Circuit; Anne Williams, District Judge, U.S. District Court, Northern District of Illinois; from the following officials of the State of California: Dan Lungren, Attorney General; and Richard Mountjoy, Senator; and public witnesses.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Committee on Rules: Granted by voice vote, an open rule providing 1 hour of debate on H.R. 1469, 1997 Emergency Supplemental Appropriations Act for Recovery from Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia.

The rule waives all points of order against consideration of the bill. The rule provides that the amendment printed in the rule shall be considered as adopted.

The rule waives points of order against provisions in the bill for failure to comply with clause 2 (prohibiting unauthorized or legislative provisions in a general appropriations bill) or clause 6 (prohibiting reappropriations in a general appropriations bill) of Rule XXI, except as specified in the rule.

The rule also waives all points of order against each amendment printed in the Rules Committee report which may only be offered in the order specified, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall be offered only by the member designated in the report, and is not amendable.

The rule accords priority in recognition to those Members who have pre-printed their amendments in the Congressional Record prior to their consideration. The rule also allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce the vote to 5 minutes on a postponed question provided that the vote follows a 15 minute vote.

The rule waives points of order against all amendments for failure to comply with clause 2(e) of rule XXI (prohibiting non-emergency designated amendments to be offered to an appropriations bill containing an emergency designation). Finally, the rule provides one motion to recommit with or without instructions.

DEPARTMENT OF ENERGY POSTURE

Committee on Science: Held a hearing on Department of Energy Posture. Testimony was heard from Federico Pena, Secretary of Energy.

COMMERCIAL VESSEL SAFETY

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held a hearing on Commercial Vessel Safety. Testimony was heard from Rear Adm. Robert C. North, USCG, Assistant Commandant, Marine Safety and Environmental Protection, U.S. Coast Guard, Department of Transportation; and public witnesses.

VETERANS ADMINISTRATION'S COMPENSATION AND PENSION SERVICE

Committee on Veterans' Affairs: Subcommittee on Benefits held a hearing on operations within the VA's Compensation and Pension Service using Government Performance and Results Act (GPRA) principles, to review the adequacy of VA's efforts in the processing of Persian Gulf War claims for compensation, and to discuss legislation to limit the liability

for compensating and treating veterans with smoking-related diseases. Testimony was heard from Kristine Moffitt, Director, Compensation and Pension Service, Department of Veterans Affairs; Stephen Backhus, Director, Veterans' Affairs and Military Health Care Issues, GAO; and representatives of veterans organizations.

COMMITTEE MEETINGS FOR THURSDAY, MAY 15, 1997

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations, Subcommittee on Foreign Operations, to hold hearings on proposed budget estimates for fiscal year 1998 for foreign assistance programs, focusing on combatting infectious diseases worldwide, 10:30 a.m., SD-138.

Committee on Banking, Housing, and Urban Affairs, to hold hearings to examine the United States and allied efforts to recover and restore gold and other assets stolen or hidden by Germany during World War II, 10 a.m., SD-106.

Committee on Commerce, Science, and Transportation, to hold hearings on S. 255, to provide for the reallocation and auction of a portion of the electromagnetic spectrum to enhance law enforcement and public safety telecommunications, 9:30 a.m., SR-253.

Subcommittee on Science, Technology, and Space, to hold oversight hearings on staff reductions for fiscal years 1997 and 1998 for the National Weather Service, 2 p.m., SR-253.

Committee on Energy and Natural Resources, Subcommittee on Forests and Public Land Management, to hold joint hearings with the House Committee on Resources Subcommittee on Forests and Forest Health to review the Columbia River Basin Environmental Impact Statement, 2 p.m., SD-366.

Committee on Finance, Subcommittee on International Trade, to hold hearings to examine market access issues for United States agricultural exports, 2 p.m., SD-215.

Committee on Foreign Relations, Subcommittee on African Affairs, to hold hearings to examine terrorism in Sudan, 10:30 a.m., SD-419.

Committee on Labor and Human Resources, to resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act, focusing on student aid delivery systems, 10 a.m., SD-430.

Committee on Small Business, to resume hearings on the Small Business Administration's finance programs, 9:30 a.m., SR-428A.

Committee on Veterans Affairs, to hold hearings to examine allegations of sexual harassment in the Department of Veterans Affairs, 9:30 a.m., SH-216.

Select Committee on Intelligence, to hold closed hearings on intelligence matters, 2 p.m., SH-219.

NOTICE

For a listing of Senate committee meetings scheduled ahead, see pages E933–34 in today's Record.

House

Committee on Agriculture, Subcommittee on Livestock, Dairy, and Poultry, hearing to review the USDA's progress in implementing the dairy reforms in the Foreign Agriculture Improvement and Reform Act of 1996, 10 a.m., 1302 Longworth.

Committee on Banking and Financial Services, hearing on Department of Treasury study of Cash Surpluses at the San Antonio Branch of the Dallas Federal Reserve Bank, 10 a.m., 2128 Rayburn.

Committee on the Budget, to mark up the Fiscal Year 1998 Budget Resolution, 2 p.m., 210 Cannon.

Committee on Commerce, Subcommittee on Health and Environment and Subcommittee on Oversight and Investigations, to continue joint hearings on Review of EPA's Proposed Ozone and Particulate Matter NAAQS Revisions, 10 a.m., 2123 Rayburn.

Committee on the Judiciary, Subcommittee on Courts and Intellectual Property, oversight hearing on Judicial Misconduct and Discipline, 9 a.m., 2237 Rayburn.

Committee on National Security, Subcommittee on Military Research and Development and the Subcommittee on Military Procurement, joint hearing on National Missile Defense, 10:30 a.m., 2118 Rayburn.

Committee on Resources, Subcommittee on Fisheries Conservation, Wildlife and Oceans, hearing on H.R. 741, Migratory Bird Treaty Reform Act of 1997, 10 a.m., 1324 Longworth.

Subcommittee on National Parks and Public Lands, oversight hearing on Bureau of Land Management Law Enforcement Authorities, 10 a.m., 1334 Longworth.

Committee on Rules, to consider H.R. 1385, Employment, Training and Literacy Enhancement Act of 1997, 2 p.m., H-313 Capitol.

Committee on Small Business, Subcommittee on Tax, Finance, and Exports, hearing on "Does OPIC Help Small Business Exporters?" 10 a.m., 2359 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, hearing on One Year After ValuJet Crash—FAA Response to Hazmat and Cargo Fire Protection Issues, 9:30 a.m., 2167 Rayburn.

Subcommittee on Public Buildings and Economic Development, hearing on Innovative Financing for Acquiring Federal Real Estate and Scoring Issues, 10 a.m., 2253 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Health, to mark up H.R. 1362, Veterans Medicare Reimbursement Demonstration Act of 1997; and proposals on both Medical Care Cost Recovery and physician's special pay, 9:30 a.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Trade, oversight hearing on U.S. Customs Service, 2 p.m., B-318 Rayburn.

Permanent Select Committee on Intelligence, executive, briefing on North Korea, 10 a.m., H-405 Capitol.

Joint Meetings

Joint Hearing: Senate Committee on Energy and Natural Resources, Subcommittee on Forests and Public Land Management, to hold joint hearings with the House Committee on Resources Subcommittee on Forests and Forest Health to review the Columbia River Basin Environmental Impact Statement, 2 p.m., SD-366.

Next Meeting of the SENATE

9:15 a.m., Thursday, May 15

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, May 15

Senate Chamber

Program for Thursday: Senate will resume consideration of S. 4, Family Friendly Workplace Act, with a cloture vote to occur on the modified committee amendment.

Also, Senate will resume consideration of H.R. 1122, Partial-Birth Abortion Ban Act.

House Chamber

Program for Thursday: Consideration of H.R. 1469, Emergency Supplemental Appropriations Act for FY 1997 (open rule, 1 hour of debate).

Extensions of Remarks, as inserted in this issue

HOUSE

Ballenger, Cass, N.C., E919
 Becerra, Xavier, Calif., E920, E921
 Berman, Howard L., Calif., E927
 Blunt, Roy, Mo., E922
 Borski, Robert A., Pa., E920, E925
 Brown, Corrine, Fla., E932
 Brown, George E., Jr., Calif., E914
 Bunning, Jim, Ky., E927
 Capps, Walter H., Calif., E926
 Christensen, Jon, Neb., E929
 Clay, William (Bill), Mo., E932
 Engel, Eliot L., N.Y., E917, E927
 Fawell, Harris W., Ill., E922
 Foglietta, Thomas M., Pa., E928, E929
 Frost, Martin, Tex., E920

Furse, Elizabeth, Ore., E923
 Gilman, Benjamin A., N.Y., E911, E915
 Goodling, William F., Pa., E923
 Graham, Lindsey O., S.C., E912
 Hamilton, Lee H., Ind., E921, E925, E931
 Hilleary, Van, Tenn., E930
 Hooley, Darlene, Ore., E914
 Johnson, Sam, Tex., E911, E913, E914
 Kildee, Dale E., Mich., E928
 Kleczka, Gerald D., Wisc., E926
 Kucinich, Dennis J., Ohio, E922
 Lantos, Tom, Calif., E916, E923, E930
 Lazio, Rick, N.Y., E927
 Lipinski, William O., Ill., E914
 Lowey, Nita M., N.Y., E912
 McCarthy, Karen, Mo., E931
 Maloney, Carolyn B., N.Y., E925

Oxley, Michael G., Ohio, E920
 Packard, Ron, Calif., E923
 Pallone, Frank, Jr., N.J., E929
 Payne, Donald M., N.J., E928
 Roukema, Marge, N.J., E913
 Schaffer, Bob, Colo., E932
 Schumer, Charles E., N.Y., E926
 Sherman, Brad, Calif., E913, E916, E930
 Skaggs, David E., Colo., E913
 Solomon, Gerald B.H., N.Y., E920
 Stabenow, Debbie, Mich., E924
 Stokes, Louis, Ohio, E924
 Underwood, Robert A., Guam, E917, E928
 Visclosky, Peter J., Ind., E921
 Wamp, Zach, Tenn., E922
 Woolsey, Lynn C., Calif., E921



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